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09/997,402	11/28/2001	Samir Narendra Mehta	320037.402	2381

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MOTOROLA INC
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EXAMINER

DOAN, DUYEN MY

ART UNIT	PAPER NUMBER
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2152

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/997,402

Applicant(s)

MEHTA ET AL.

Examiner

Duyen M. Doan

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33, 35, 36, 39-51, 55, 56, 58 and 60-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33, 35, 36, 39-51, 55, 56, 58 and 60-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/19/07.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/19/07 has been entered. Claims 1-33,35-36,39-51,55-56,58,60-73 are amended for examination. Claims 34,37-38,52-54,57,59 are cancelled.

Response to Arguments

Applicant's arguments filed 1/19/07 have been fully considered but they are not persuasive.

Regarding applicant's argument that the prior art does not teach "determining whether pre-provisioned content corresponding to the target device exists" examiner respectfully disagrees, Tso discloses a transcoding server including a cache memory to store the transcoded version of the content for latter transmission to the user without the need to re-retrieve the content from the network (see Tso col.6, lines 51-54), if the requested content is not present in the cache, request the content from the network (see Tso col.7, lines 33-63; col.8, lines 2-6). The transcoded content store in the cache

Art Unit: 2152

memory is equivalent to the pre-provisioned content in the present application, therefore Tso teaches the above limitation.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-29 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "where the pre-provisioned content exists, selecting the content", "provisioning the content for the target device". There is insufficient antecedent basis for this limitation in the claim. For the purpose of examination, examiner interprets the above limitations as follow "where the pre-provisioned content exists, selecting the pre-provisioned content", "provisioning the content for the target wireless device" respectively.

All dependent claims are rejected to as having the same deficiencies as the claims they depend from.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20,22-33,35-36,39-41,43-51,55-56,60-71,73 are rejected under 35

U.S.C. 103(a) as being unpatentable over Jiang et al (Us pat 6,741,853) (hereinafter Jiang) in view of Tso et al (Us pat 6,088,803).

As regarding claim 1, Tso discloses determining whether pre-provisioned content corresponding to the target device exists (see Tso col.6, lines 41-55, transcoding server include cache memory which use to store the transcoded version of the content for later transmission to network client); where the pre-provisioned content exists, selecting the content from the group consisting of locally stored applications, remotely stored, trusted applications and remotely stored, trusted applications and providing the pre-provisioned content to the target device (see Tso col.6, lines 41-55; col.7, lines 33-63, deliver the transcoded content stored in cache memory of the transcoding server to the client); and where the pre-provisioned content is unavailable, selecting content from remotely stored, untrusted applications and provisioning the content for the target device (see col.7, lines 33-63; col.8, lines 2-25, if the content is not existed in the cache memory, request the content from the network); wherein the provisioning comprises intercepting the content and inspecting the content, wherein inspecting comprises at least one of examining the content to detect malicious code, determining whether the content

Art Unit: 2152

contains banned code and whether the content contains designated API (see Tso col.2, lines 37-67; col.3, lines 2-10, lines 55-67; col.5, lines 27-43, virus scanning process)

Tso does not disclose the client device is a wireless device and verifying that the device supports execution of the content by comparing the device capabilities to the content requirements and providing the verified and provisioned content to the target device.

Jiang discloses the client device is a wireless device (see Jiang figure.1, various types of client wireless device 110-118); verifying that the device supports execution of the content by comparing the device capabilities to the content requirements; and providing the verified and provisioned content to the target device (see Jiang col.5, lines 37-41; see col.17, lines 59-67; col.8, lines 1-13; col.20, lines 1-46, determine the capability of the device and the content, determine if conversion of the content is needed, then deliver the content to the client wireless device).

It would have been obvious to one with ordinary skill in the art at the time the invention was made combine the teaching of Jiang to the method of Tso to determine the wireless device capabilities and the content format for the purpose of presenting the content to the client in an appropriate form for the type of information, the protocol, and the device capabilities and configuration (see Jiang col.20, lines 54-58).

As regarding claim 2, Tso-Jiang discloses causing the prepared content to download to the target device over a wireless transmission medium (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines

Art Unit: 2152

56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58). The same motivation was utilized in claim 1 applied equally well to claim 2.

As regarding claim 3, Tso-Jiang discloses the content is requested by a subscriber of a carrier to the computer-based environment over a wireless transmission medium (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58). The same motivation was utilized in claim 1 applied equally well to claim 3.

As regarding claim 4, Tso-Jiang discloses the provisioning comprises at least one of: inspecting the content (see Tso col.2, lines 37-53) optimizing the content; and instrumenting the content (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58). The same motivation was utilized in claim 1 applied equally well to claim 4.

As regarding claim 5, Tso-Jiang discloses wherein the provisioning comprises inspecting the content, wherein inspecting the content comprises an operation selected from the group consisting of deconstructing a structure of the content, checking for malicious code, checking for banned code (see Tso col.2, lines 16-67; col.3, lines 1-10, lines 30-38; lines 46-54, lines 62-67; col.5, lines 44-67; col.6, lines 1-24, lines 38-60, check the content from the remote content providers to determine if there are viruses before give it to client), determining the applicable application of filters, and checking a number of activated threads (see Tso col.2, lines 16-67; col.3, lines 1-10, lines 30-38; lines 46-54, lines 62-67; col.5, lines 44-67; col.6, lines 1-24, lines 38-60).

As regarding claim 6, Tso-Jiang discloses wherein the inspecting further comprises determining whether the application contains designated API wherein the API is at least one of packages, classes, methods, and fields (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58). The same motivation was utilized in claim 1 applied equally well to claim 6.

As regarding claim 7, Tso-Jiang discloses wherein the determining the applicable application of filters comprises retrieving an application filter relevant for potential target under examination, wherein the application filter detects one of package and method names, package and method classes, package and method fields (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58), API suspected to have intrusive behavior, API suspected to have malicious behavior and API that are unauthorized for use (see Tso col.2, lines 16-67; col.3, lines 1-10, lines 30-38; lines 46-54, lines 62-67; col.5, lines 44-67; col.6, lines 1-24, lines 38-60). The same motivation was utilized in claim 1 applied equally well to claim 7.

As regarding claim 8, Tso-Jiang discloses wherein the provisioning comprises inspecting the content, wherein the inspecting is performed using an application filter, wherein the application filter specifies a list of criteria to be filtered and a target (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58). The same motivation was utilized in claim 1 applied equally well to claim 8.

As regarding claim 9, Tso-Jiang discloses wherein the criteria is an API (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58). The same motivation was utilized in claim 1 applied equally well to claim 9.

As regarding claim 10, Tso-Jiang discloses wherein that target is at least one of a specified client, device type, content identifier, and global definition (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58). The same motivation was utilized in claim 1 applied equally well to claim 10.

As regarding claim 11, Tso-Jiang discloses wherein the provisioning comprises optimizing the content, wherein the optimizing comprises at least one of: reducing the size of variable names; modifying instructions to more efficient instructions; mapping executable paths in code, and removing unused code (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58). The same motivation was utilized in claim 1 applied equally well to claim 11.

As regarding claim 12, Tso-Jiang discloses wherein the provisioning comprises instrumenting the content, wherein the instrumenting comprises inserting code that implement at least one of a billing policy, a usage policy, a notification, and an automatic content update mechanism (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67;

col.18, lines 1-50; col.20, lines 54-58). The same motivation was utilized in claim 1 applied equally well to claim 12.

As regarding claim 13, Tso-Jiang discloses wherein the verifying that the device supports execution of the content further comprises identifying a device, accessing capabilities of the device from a device profile, accessing device requirement of the content, and determining whether resources required by the content are available according to the device profile (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58, device profile include the capabilities of device, storage requirement, display capabilities). The same motivation was utilized in claim 1 applied equally well to claim 13.

As regarding claim 14, Tso-Jiang discloses wherein the device profile contains information relevant to the capabilities of the device, wherein the information relevant to the capabilities of the device are selected from the group consisting of memory capacity, processor type, processing speed, and maximum size of a downloadable application (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58, device profile include the capabilities of device, storage requirement, display capabilities...). The same motivation was utilized in claim 1 applied equally well to claim 14.

As regarding claim 15, Tso-Jiang discloses wherein the billing policy comprises at least one of subscription based billing; trial use, download based billing, transmission

Art Unit: 2152

based billing, and prepaid billing (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58). The same motivation was utilized in claim 1 applied equally well to claim 15.

As regarding claim 16, Tso-Jiang discloses wherein the billing policy is provided by a wireless carrier infrastructure (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58). The same motivation was utilized in claim 1 applied equally well to claim 16.

As regarding claim 17, Tso-Jiang discloses wherein the content is provisioned for a requester, and the verifying further comprising at least one of: comparing the API used by the content to the API supported by the target device and determining whether the requestor is authorized to use the content (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58). The same motivation was utilized in claim 1 applied equally well to claim 17.

As regarding claim 18, Tso-Jiang discloses wherein determining whether the requestor is authorized determines whether the requester has sufficient funds in a prepaid billing account to use the content (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58). The same motivation was utilized in claim 1 applied equally well to claim 18.

Art Unit: 2152

As regarding claim 19, Tso-Jiang discloses wherein the verification is accomplished using profile management (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58). The same motivation was utilized in claim 1 applied equally well to claim 19.

As regarding claim 20, Tso-Jiang discloses wherein the profile management defines profiles for at least one of a subscriber, device type, and content (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58). The same motivation was utilized in claim 1 applied equally well to claim 20.

As regarding claim 22, Tso-Jiang discloses wherein the environment is integrated with a wireless carrier infrastructure (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58). The same motivation was utilized in claim 1 applied equally well to claim 22.

As regarding claim 23, Tso-Jiang discloses wherein the content preparation provides walled-garden provisioning (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58). The same motivation was utilized in claim 1 applied equally well to claim 23.

As regarding claim 24, Tso-Jiang discloses the computer-based environment including a network, wherein the provisioning supports the designation of the content to

Art Unit: 2152

be prepared through browsing to a location on the network (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58). The same motivation was utilized in claim 1 applied equally well to claim 24.

As regarding claim 25, Tso-Jiang discloses wherein the network is the Internet (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58). The same motivation was utilized in claim 1 applied equally well to claim 25.

As regarding claim 26, Tso-Jiang discloses wherein the preparation process takes into account preferences of a requestor of the content (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58). The same motivation was utilized in claim 1 applied equally well to claim 26

As regarding claim 27, Tso-Jiang discloses wherein attributes that control the provisioning are specified through website administration (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58). The same motivation was utilized in claim 1 applied equally well to claim 27.

As regarding claim 28, Tso-Jiang discloses wherein the provisioning comprises preparing an initial list of available applications (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-

Art Unit: 2152

67; col.18, lines 1-50; col.20, lines 54-58). The same motivation was utilized in claim 1 applied equally well to claim 28.

As regarding claim 29, Tso-Jiang discloses wherein the content contains at least one of text, graphics, audio, and video (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58). The same motivation was utilized in claim 1 applied equally well to claim 29

As regarding claims 30-33,35-36,39-41,43-44 the limitations are similar to claims 1-20, 22-29, therefore rejected for the same rationales as claims 1-20, 22-29.

As regarding claims 45-51,55-56,60 the limitations are similar to claims 1-20, 22-29, therefore rejected for the same rationales as claims 1-20, 22-29.

As regarding claims 61-71,73 the limitations are similar to claims 1-20, 22-29, therefore rejected for the same rationales as claims 1-20, 22-29.

Claims 21,42,58,72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso and Jiang as applied to claims 1,30,45,61 above, and further in view of what was well known in the art.

As regarding claims 21,42,58,72, Tso-Jiang discloses the invention substantially as rejected in claim 1,30,42,58 above, but does not disclose content is Java-based.

Art Unit: 2152

Official Notice is taken (see MPEP 2144.03) using Java is well known at the time the invention was made.

It would have been obvious to one of ordinary skill in the art to have the content in Java-based, because Java is secure and can be run on any platform, this would provide flexibility since the user access the web using any type of computers.

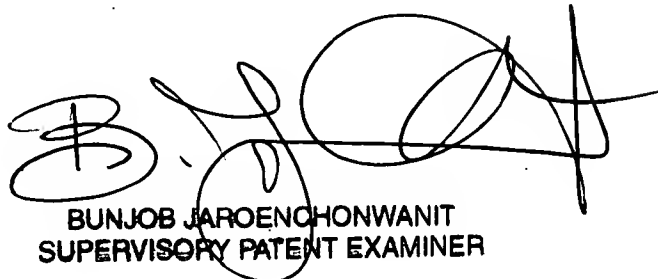
Art Unit: 2152

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner
Duyen Doan
Art unit 2152



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER